

TTABV3



03-05-2002

U.S. Patent & TMOfr/TM Mail Ropt. Dt. #40

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atty. Ref. No.: 016756/0191

BRIDGESTONE/FIRESTONE
RESEARCH, INC.

Opposer,

v.

VREDESTEIN FIETSBANDEN
Applicant.



Opposition No. 150,257

Ser. No. 78/010596

MOTION FOR DEFAULT JUDGMENT

In the matter of an application for registration of the expression "PI-STONE" for "tires for vehicles and bicycles", Serial No. 78/010,596, filed May 31, 2000, by Vredestein Fietsbanden B.V., (hereinafter called "Applicant") and published for opposition in the Official Gazette of September 18, 2001.

Bridgestone/Firestone Research, Inc., (hereinafter "Bridgestone/Firestone") respectfully moves the Trademark Trial and Appeal Board under Fed. R. Civ. P. 55 and 37 C.F. R. § 2.106 for an Order Granting a Default Judgment against Applicant Vredestein Fietsbanden B.V. and as grounds therefor states as follows:

Bridgestone/Firestone timely filed a Notice of Opposition on October 15, 2001.

1. On November 21, 2001 the Trademark Trial and Appeal Board (hereinafter “the Board”) mailed an order instituting this opposition, setting the discovery and trial dates, and allowing Applicant until December 31, 2000 to file its Answer.

2. To date, Bridgestone/Firestone has not been served with an Answer by the Applicant, long past the December 31, 2000 deadline set by the Board, and there is no evidence that an Answer has been filed with the Board.

3. The Rules governing opposition proceedings provide, “[i]f no answer is filed within the time set, the opposition may be decided as in a case of default.” 37 C.F.R. § 2.106(a). The Federal Rule governing default judgments provides “[w]hen a party against whom a judgement for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” Fed. R. Civ. P. 55(a).

4. Because Applicant has failed to file an Answer within the time set by the Board and the Rules, it is in Default, and a Default Judgment should be entered against Applicant Vredestein Fietsbanden B.V.

5. Bridgestone/Firestone requests that this case be suspended pending the resolution of the matters raised herein in accordance with 37 C.F.R. § 2.127(d).

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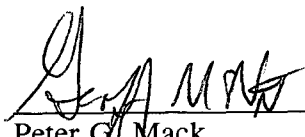
WHEREFORE, Opposer Bridgestone/Firestone Research, Inc. requests that this opposition be sustained by default and that the subject application Serial No. 78/010,596 to register the mark PI-STONE be refused registration.

Respectfully submitted,

Bridgestone/Firestone Research, Inc.

March 5, 2002

By:


Peter G. Mack
Geoffrey M. McNutt
Counsel for Opposer

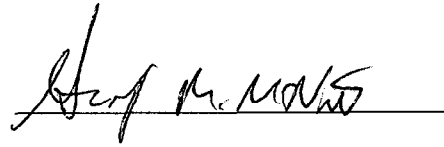
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR DEFAULT JUDGMENT was served on counsel for Applicant, this **5th** day of **March, 2002**, by mailing a true copy thereof via First Class U.S. Mail, postage prepaid, addressed to the following:

Robert W. Sacoff
PATTISHALL, MCAULIFFE, NWEBURY, ET. AL.
311 South Wacker Drive
Chicago, Illinois 60606

By:

A handwritten signature in dark ink, appearing to read "Geoff M. McNutt", is written over a horizontal line.

Geoffrey M. McNutt

FOLEY & LARDNER